

Amendment and Response

Applicant: Pun Choon Ong

Serial No.: 10/708,559

Filed: March 11, 2004

Docket No.: P632.103.101

Title: METHOD OF WINCHING CUT TIMBER IN A FOREST AND A MACHINE DESIGNED TO ACCOMPLISH THIS

REMARKS

The following remarks are made in response to the Non-Final Office Action mailed March 28, 2008. Claims 16-20 have been allowed. Claims 9, 10 and 12-14 have been rejected. With this Response, claim 10 has been canceled and claims 9, 13 and 14 have been amended. Claims 9, 12-14 and 16-20 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 112

Claims 10 and 13 are rejected under 35 U.S.C. 112, second paragraph. As set forth above, claim 10 has been canceled and claim 13 has been amended to depend from claim 12.

In view of the preceding comments, it is requested that the rejection under 35 U.S.C. § 112 be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 9, 10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiger (US Patent 3,157,288) in view of Connor et al (US Patent 3,033,399) and Broussard (US Patent 2,659,494).

As an initial point in responding to this rejection, it is indicated that claim 9 has been amended to specify that the stabilizing arm is pivotally attached to the boom and includes at least one grapppler and a bucket.

The machines described in Weiger, Connor and Broussard are not suitable to be adapted as the same function delivered in the claimed invention because each of these devices is missing one or more of the elements included in the claimed invention.

For example, the Weiger machine is employed for earth works such as in the construction of ditches and embankments, laying of pipes and digging in stone quarries. It is not possible that the system which is specifically designed for earth works and quarries, is suitable to be used in machines for retrieving and lifting the felled logs using cable from the forest like the claimed invention without significant improvement and modification.

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The cited references when viewed individually or together do not teach or suggest providing the machine with a stabilizing arm that is pivotally attached to said boom to stabilize the machine when said log is being retrieved. The unique function of the stabilizing arm is not suggested by anyone of the three prior arts.

The stabilizing arm further comprises at least one grappler and a bucket that together provides a subsidiary features to grapple and move the logs as part of logging operation. In addition, the bucket can be used for excavation of earth, rocks and sand to assist in extracting logs that are in difficult to reach positions to create a pathway over which the machine can move when extracting the felled logs.

The stabilizing arm also enables the log to be lifted from the lower elevation to the position of the machine on level ground at a higher elevation. The stabilizing arm also enable the log to be dragged to position with one end lifted when the log has being brought out from the lower elevation to the level ground on the higher elevation.

Furthermore, none of the cited references teach or suggest positioning a cable over a pulley and then secured around a log to pull the log over a distance from the forest (through the forest). The claimed invention thereby enables the log to be retrieved from a lower elevation or higher elevation.

Additionally, MPEP 2141.01(a) indicates that the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.

The claimed invention is directed to a machine used for forest harvesting and logging operations and specifically for the purpose of log retrieval, lifting and stacking in a forested condition, while earthwork like excavation is only supplementary.

Therefore, it could not have been obvious to a person skilled in the art to combine the cited references because otherwise the suggestion for the machine as applied for would have come from the forest harvesting and logging industry. The claimed invention made a significant and economically simple contribution to solving the forest harvesting and logging industry's problems and yet was not discovered by experts in this field provides additional evidence for the

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presence of inventive step. The essence in this invention is a multi-purpose versatile and efficient forest harvesting machine with multiple functions, combining retrieving of logs from a distance, lifting of logs, carrying and moving of logs and excavating of earth and rocks, all of which are relevant for forest harvesting and logging.

In view of the preceding comments, it is submitted that claims 9 and 12-14 are non-obvious when viewed in light of the cited references. Reconsideration and withdrawal of such rejection are respectfully requested.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 9, 12-14 and 16-20 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 9, 12-14 and 16-20 are respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-047.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Michael Bondi at Telephone No. (612) 767-2512, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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